

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6196 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not?No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?No

5. Whether it is to be circulated to the Civil Judge?No

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BABUBHAI DALABHAI PARMAR

Versus

UNION OF INDIA

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Appearance:

MR GM JOSHI for Petitioner

MR JD AJMERA, Addl.Central Govt.Standing Counsel for Respondents.

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 23/02/96

ORAL JUDGEMENT

The services of the petitioner were terminated on 3.12.1986. The petitioner submitted the representation after a period of nearly four years on 6.4.1991 for the first time. Thereupon communication dated 5.9.1995 was sent to him that his services were terminated by giving one month's notice as there was no work. After this communication in September,1991 the petitioner filed complaint before the Assistant Labour

Commissioner on 25.5.1992. The Assistant Labour Commissioner (Central) I, Ahmedabad sent a letter dated 2.12.1992 to the Secretary to the Government of India, Ministry of Labour conveying that the conciliation proceedings were filed and the workman had agreed for arbitration but the management did not agree. The Ministry of Labour, Government of India, has then passed the order dated 26.2.1993 rejecting the request of referring the dispute on the ground that "the dispute has been raised belatedly without giving any justifiable reasons for delay".

I have heard the learned counsel for the parties. There is no dispute that against the termination of December, 1986 the representation was for the first time made in April, 1991 and thereafter he approached the Assistant Labour Commissioner by filing complaint dated 25.5.1992 upon which the failure report was given in December, 1992 and the impugned order has been passed on 26.2.1993. There is no explanation worth the name for the first four years after the termination and therefore the reason given by the Government that there was no justifiable reason explaining the delay cannot be said to be perverse. Mr. Joshi submitted that the Government cannot refuse reference merely on the ground of delay. In appropriate cases if the delay has not been satisfactory explained the reference can be refused, and on this point a decision has already been rendered earlier by passing detailed order in Special Civil Application No. 8254 of 1995. For the detailed reasons given in the decision dated 31.1.1996 in the above mentioned Special Civil Application I do not find any ground to interfere with the impugned order dated 26.2.1993 passed by the Ministry of Labour, Government of India. This Special Civil Application is hereby dismissed. Rule is hereby discharged. No order as to costs.

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